

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ATHEER AHMED,	:	CIVIL NO. 1:09-CV-01761
	:	
Plaintiff	:	(Judge Conner)
v.	:	
	:	(Magistrate Judge Smyser)
JANET NAPOLITANO, et al.,	:	
	:	
Defendants	:	

REPORT AND RECOMMENDATION

On September 11, 2009, the plaintiff, through counsel, filed a complaint in mandamus seeking an order requiring the defendants to adjudicate the plaintiff's application for permanent residence without delay and requiring that, if the application is approved, the approval date be retroactively set to January 1, 2008. The parties stipulated that the defendants would have until January 12, 2010 to file an answer or other responsive pleading to the complaint.

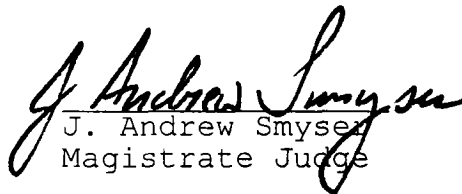
On January 4, 2010, the defendants filed a "Notice of Mootness" requesting that the complaint be dismissed as moot.

Article III of the Constitution provides that the judicial power of the United State shall extend to "cases" and "controversies." U.S. Constitution, art. III, §2; *Rosetti v. Shalala*, 12 F.3d 1216, 1223 (3d Cir. 1993). Federal courts lack

authority to decide moot cases. *Liner v. Jafco, Inc.*, 375 U.S. 301, 306 n.3 (1964). If events occur during litigation which eliminate the plaintiff's personal stake in the outcome of the suit, the case must be dismissed as moot. *Rosetti, supra*, 12 F.3d at 1224.

The defendants assert that the plaintiff's application for permanent resident status has been approved and they have provided documentation to that effect. The defendants also assert that the plaintiff's attorney represented that he has no objection to the dismissal of this case.

Based on the foregoing, it is recommended that the complaint be dismissed as moot and that the case file be closed.


J. Andrew Smyser
Magistrate Judge

Dated: January **5**, 2010.